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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/530,118

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EXAMINER

ANDRAMUNO, FRANKLIN S

ART UNIT

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2623

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/530,118	<b>Applicant(s)</b> ADOLPH ET AL.	
	<b>Examiner</b> FRANKLIN S. ANDRAMUNO	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03/27/08.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 03/27/08 have been fully considered but they are not persuasive. Applicant argues on page 6 that "nowhere does Yamada show a binding at least one data streams originating from an external data source to said basic AV MPEG-2 transport stream. Examiner does not agree, Yamada discloses on **(column 13 lines 15-20)** the CPU (10) generates the VCR data start time information list (410) and the VCR data time length list (411) based on the entered information. This shows that information is retrieved from an external source, the VCR. Also, Yamada teaches in **(column 13 lines 29-30)** the information can be at liberty set by the operator. Showing how an external source controls an originating data stream.

2. Moreover, applicant argues on page 6 that Yamada fails to "indicate the type of each of said sub stream paths." Examiner does not agree, Yamada shows on **(column 13) lines 57-63)** the title name as "Nth XXX Graduation Album" is constructed of three chapters named as teachers, students, and events. Therefore, identifying a stream path for each category.

3.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yahata et al (US 2004/0240856 A1) in view of Yamada et al (US 6,778,759 B1).

Hereinafter referred as Yahata and Yamada.

Regarding claims 1, 6 and 7, Yahata discloses a method apparatus and a pre-recorded storage medium for arranging data streams containing video, audio and/or other data (**Figure 2**), comprising: defining a basic stream path of consecutive descriptors pointing to parts of a basic AV MPEG-2 transport stream of multiplexed elementary streams (**page 1 paragraph (0002)**), wherein said descriptors define the arrangement in time for playing back said parts of said basic AV MPEG-2 transport stream (**page 1 paragraph (0007) lines 1-5**); defining multiple sub stream paths of consecutive descriptors existing in parallel to said basic stream path (**page 1 paragraph (0012)**), said sub stream paths of descriptors pointing to parts of data streams being located out of said basic AV MPEG-2 transport stream (**page 2 paragraph (0024)**), wherein each of said sub stream paths is of one of several possible sub stream path types like a video stream path (**video decoder in figure 18**), an audio stream path (**Audio Decoder in figure 18**), a subtitle stream path or a graphics stream path (**page 13 paragraph (0320) line 4**); indicating the type of each of said sub stream paths; and binding at least one data stream originating from an external data source to said basic AV MPEG-2 transport stream by pointing at said data stream by descriptors of the corresponding sub stream path. **However, Yahata fails to disclose** the binding

of an external source to a corresponding sub stream path. Yamada teaches in **column 6 lines 66 to column 7 lines 9** that a title set is constructed of a plurality of titles sharing the AV data each other.

Therefore, it would have been obvious at the time of the invention to include the use of binding the originating av-mpeg stream to a corresponding sub stream path. This is a useful combination because it allows a dvd movie to be shared with different subtitles and languages.

1. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable by Yahata et al (US 2004/0240856 A1) in view of Yamada et al (US 6,778,759 B1) in view of Chotoku et al (US 2002/0006268 A1). Hereinafter referred as Yahata, Yamada, and Chotoku.

Regarding claim 2, Yahata discloses a method according to claim 1, wherein said basic AV MPEG-2 transport stream is pre-recorded on a read-only disc and said at least one data stream bound to said basic AV MPEG-2 transport stream (**Figure 4**) is provided via internet. **However, Yahata and Yamada fail to** show the use of internet for uploading the AV MPEG-2 transport Stream. Chotoku discloses on (**page 4 paragraph (0060)**) information can be acquired from a network such as the internet.

Therefore, it would have been obvious at the time of the invention to include the use of internet. This is a useful combination because it saves space on the disk and allows more data to be disclosed through the use of the internet.

Regarding claim 3, Chotoku discloses a method according to claim 1, wherein said descriptors define the synchronization of parts of said data streams concerning their relative relation in time by defining the start time and end time of the separate parts of data streams **(page 2 paragraph (0026))**.

Regarding claim 4, Yamada discloses a method according to claim 1, wherein said descriptors define the synchronization of parts of data streams concerning their switching by defining points in time and in the binary stream **(Figure 5)** were the decoding of a part of a data stream can be substituted by decoding a part of another data stream **(Video File 1 in figure 6)**.

Regarding claim 5, Yahata discloses a method according to claim 1, wherein the format of a data stream bound to said basic AV MPEG-2 transport stream is an MPEG-2 transport stream of multiplexed elementary streams **(page 14 paragraph (0335))**.

### ***Conclusion***

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKLIN S. ANDRAMUNO whose telephone number is (571)270-3004. The examiner can normally be reached on Mon-Thurs (7:30am - 5:00pm) alternate Fri off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/  
Supervisory Patent Examiner, Art  
Unit 2623